IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SECOND APPEAL No. 123 of 1986

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VASANTKUMAR RAMANLAL SHAH - Appellant(s)
Versus
LOK PRAKASHAN LIMITED - Defendant(s)

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Appearance :
MR PRADEEP PATEL for Appellant(s) : 1,
MRS SANGITA PAHVA for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 21/09/2006

ORAL JUDGMENT

1. The appeal has been admitted for hearing on the following substantial questions of law.

"(A) Whether the Respondent has authority of law to transfer the Appellant when transfer is not a condition of service ?

(B) Whether the Respondent has any authority of

law to transfer the Appellant from Navsari to Rajkot in view of the settlement before the Labour Court, produced at Exh. 57 ?"

2. From the very frame of the questions it would appear that the appellant was aggrieved by the order of his transfer and was challenging the same before the Civil Court. It appears that at the time of filing of the suit, he was round 47 years. More than 11 years have lapsed without any relief in his favour. By now the appellant must have retired because the counsel for the plaintiff-appellant is unable to seek any instruction from him. As the interim relief or final relief has not been granted in favour of the plaintiff and more than 11 years have passed, I will be justified in presuming that the appellant must have superannuated by now or in any case must have lost interest in the litigation. Accordingly without answering the questions, the appeal is dismissed. No costs.

(R.S.GARG, J.)

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